GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants - Revenue Department - Allegation of corruption against Sri R.Chiranjeevi Rao, Excise Circle Inspector, Ramachandrapuram, East Godavari District (now retired) Trapped on 07-02-2002 Convicted by the ACB Court, Vijayawada in CC.No.17/2008 - Punishment imposed withholding Pension and Gratuity in full permanently - Criminal Appeal filed in APHC against the orders of ACB Court - Set aside the orders of ACB Court - Further action dropped - Orders - Issued.

REVENUE (VIGILANCE-IV) DEPARTMENT

G.O.MS.No. 175 Dated: 29-05-2025

Read the following

1. From the DG, ACB, Lr. Rc. No.23/RCT-REG/2002, dt. 24-09-2002.
2. G. O. Ms.No.1123, Revenue (Vig.II) Dept., Dt.21-12-2002.
3. From the DG, ACB, Lr. Rc. No 23/RCT-REG/2002, dt. 23-02-2017.
4. G.O.Ms. No. 137, Revenue (Vig.IV) Dept., Dt.31.03.2017.
5. Representation dated 21.03.2024, Sri R. Chiranjeevi Rao, Rtd. Excise Inspector.
6. From the DG, ACB, Lr. Rc No. 23/RCT-REG/2002-S.10, dt 08-04-2024.

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ORDER

Whereas, Sri R. Chiranjeevi Rao, while working as Excise Circle Inspector, Ramachandrapuram, East Godavari District was trapped by the Anti-Corruption Bureau authorities on 07.02.2002 when he demanded and accepted a bribe amount of Rs.5,000/- from the complainant through one Sri K. Rajababu, sentry Excise Constable for doing an official favour. In the reference 1st read above, the Director General, Anti-Corruption Bureau, has furnished final report and recommended to prosecute the Accused Officer in a court of law. In the reference 2nd read above, sanction was accorded to prosecute the said Accused Officer in a court of law. The Director General, Anti-Corruption Bureau has filed charge sheet in a court of law.

2. And whereas, in the references 3rd read above, the Director General, Anti Corruption Bureau, has informed that the Special Judge for SPE & ACB Cases, Vijayawada pronounced Judgment on 17-2-2017 in CC No. 17/2008, convicting the Accused Officer Sri R. Chiranjeevi Rao and sentenced him to undergo simple imprisonment for three years and to pay a fine of Rs 25,000/- and in default, to suffer six months simple imprisonment for the offence under section 7 of the Prevention of Corruption Act, 1988. The Anti-Corruption Bureau Court further sentenced him to undergo rigorous imprisonment for three years and to pay a fine of Rs 30,000/- and in default, to suffer six months simple imprisonment for the offence under section u/s 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988. The Director General, Anti Corruption Bureau, has requested to issue necessary orders imposing the punishment of withholding of entire pension and gratuity against the Accused Officer, as the Accused Officer retired from service on 30.06.2011 on attaining the age of superannuation.

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3 In the reference 4th read above, after careful examination of the matter, Government have decided and ordered to impose the punishment of withholding of entire Pension and Gratuity permanently on Sri R. Chiranjeevi Rao, Excise Circle Inspector, Ramachandrapuram, East Godavari District (Retired), as per Rule 9 read with Rule 8(2) of Andhra Pradesh Revised Pension Rules, 1980 as he was convicted by the Special Judge for SPE & ACB Cases, Kurnool in C.C.No. 17 of 2008, dt:17-02-2017.

4. Sri R. Chiranjeevi Rao, Retired P&E Inspector and Sri K.Raja Babu, Excise Constable filed Criminal Appeal No.197 of 2017 on conviction orders dated 17.02.2017 in CC No.2008 before the Hon'ble High Court. The Hon'ble High Court passed the following orders dated 27.11.2023 (operative portion) in Criminal Appeal No. 197/2017:

> "There are number of infirmities in the present case and right from the beginning, it is not the case of the prosecution that A.O.1 made demand or accepted any money from the said Venkanna through A.O.2. At the cost of repetition, it can be safely inferred that the case has been foisted only with a view to prosecute the accused officers. There is no legal evidence to find the appellants/ accused officers guilty of the offences alleged against them. The learned Special Judge merely basing on conjectures and surmises, based the conviction. Hence, the impugned Judgment is liable to be set aside.
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> In view of the aforesaid reasons, the Criminal Appeal is allowed and the convictions and sentences passed against Accused Officers 1 and 2 by the learned Special Judge for SPE and ACB Cases, Vijayawada in the judgment dated 16.12.2017 in CC No.17 of 2008, are hereby set aside. The appellants/AOs.1 and 2 are found not guilty of the charges levelled against them and are accordingly acquitted of the charges and they are set at liberty."

5. In the reference 5th read above, while enclosing the above Hon'ble High Court orders, Sri R. Chiranjeevi Rao, Retd. Excise Inspector, stated among other things, in view of the court orders to drop further action against him and to sanction pensionary benefits and regularization of suspension period from 16.02.2002 to 18.07.2005.

6. In the reference 6th read above, the Director General, Anti Corruption Bureau, while mentioning certain grounds and requested for permission to file a Special Leave Petition (SLP) in the Hon'ble Supreme Court of India against the acquittal orders dated 27.11.2023 issued by the Hon'ble High Court of Andhra Pradesh in Criminal Appeal No. 197/2017, filed by Sri R. Chiranjeevi Rao, Excise Circle Inspector, and Sri K. Raja Babu, Excise Constable.

7. Government after careful examination of the matter and keeping in view of the orders dated 27.11.2023 of Hon'ble High Court in Criminal Appeal No. 197 of 2017 and after considering the opinion of the advisory department, have decided to implement the orders of Hon'ble High Court of AP in the Criminal

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Appeal No. 197 of 2017 and to drop further action against Sri R. Chiranjeevi Rao, Retd. Excise Inspector, as the Criminal Appeal filed by AOs is allowed and the convictions and sentences passed against Accused Officers 1 and 2 by the learned Special Judge for SPE and ACB Cases, Vijayawada in the judgment dated 16.12.2017 in CC No. 17 of 2008, are set aside by the Hon'ble AP High Court and the judgment delivered by the Hon'ble High Court with cogent reasons and keeping the legal position in view and further the time period for appeal has already been elapsed to file an SLP in Hon'ble Apex Court, it is opined that there are no good grounds to file an SLP in Hon'ble Apex Court against the Order of the High Court in Criminal Appeal No. 197/2017, dated 27.11.2023

8. Accordingly, Government hereby drop further action against Sri R. Chiranjeevi Rao, Excise Inspector (Retired), as the Hon'ble High Court in Criminal Appeal No.197/2017,dated 27.11.2023 set aside the judgment dated 16.12.2017 in CC No. 17 of 2008 of SPE and ACB Cases, Vijayawada.

9. The Commissioner of Prohibition and Excise, Andhra Pradesh shall take necessary further action accordingly and furnish the compliance report, to the Government, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

MUKESH KUMAR MEENA
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri R. Chiranjeevi Rao, Excise Circle Inspector, Ramachandrapuram, E.G. Dist. (Retd) through the Commissioner of Prohibition and Excise, Vijayawada.
The Commissioner of Prohibition and Excise, Vijayawada.
The Director General, Anti-Corruption Bureau, Vijayawada.
Copy to:
The Accountant General, Andhra Pradesh, Vijayawada.
The Director of Treasuries & Accounts, A.P., Vijayawada.
The Secretary to Vigilance Commissioner, APVC, Vijayawada.
Sf/Sc(CN:2411038).

//FORWARDED:: BY ORDER//

SECTION OFFICER